

E-FILED on 9/22/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MIGUEL VEGA, CARLOS VEGA, EDGAR
VEGA, MARCOS VEGA, ALEJANDRO
VEGA, and JOSE VEGA,

Plaintiffs,

v.

MCLAIRD ENTERPRISES INC. dba
COSTELLO'S TREE SERVICE, SEAN
MCLAIRD dba COSTELLO'S TREE
SERVICE, TOM MULLIN dba COSTELLO'S
TREE SERVICE, URBAN FORREST TREE
SERVICE dba COSTELLO'S TREE
SERVICE, SURETY COMPANY OF THE
PACIFIC and DOES 1-10.

Defendants.

No. C-08-04805 RMW

ORDER CONTINUING HEARING ON
MOTION FOR ENTRY OF JUDGMENT

[Re Docket No. 24]

Plaintiffs' motion for entry of default judgment, presently calendared for September 25, 2009, is hereby continued to November 6, 2009 at 9:00 a.m. In reviewing plaintiffs' papers in preparation for the hearing, the court has observed that a proper evidentiary foundation for plaintiffs' exhibits has not been made. Specifically, many of the exhibits submitted by plaintiffs do not correspond to the descriptions of those exhibits in the accompanying declaration of counsel. It is also questionable whether counsel has the required personal knowledge to authenticate the time cards submitted as

1 evidence; the basis of such personal knowledge is not recited in the declaration. Without proper
2 foundation, the exhibits are not admissible to prove up plaintiffs' damages.

3 Plaintiffs may file and serve further declarations, or amended declarations and accompanying
4 exhibits, no later than October 23, 2009.

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6 DATED: 9/20/09



RONALD M. WHYTE
United States District Judge

1 Notice of this document has been electronically sent to:

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8 Counsel for Defendants:

9 No Appearance

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11 Counsel are responsible for distributing copies of this document to co-counsel that have not
12 registered for e-filing under the court's CM/ECF program.

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15 Dated: 9/22/09

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Chambers of Judge Whyte